

# Notice of Allowability

Application No.

09/990,109

Examiner

John L. Goff

Applicant(s)

BOUDOURIS ET AL.

Art Unit

1733

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 5/25/06.
2. ☒ The allowed claim(s) is/are 5-7,13,31-34,36,37,75,79-81 and 86.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 12/6/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lisa Ryan Lindquist on 7/27/06.

2. The application has been amended as follows:

#### **In the Claims:**

3. Cancel claims 1 and 4.
4. In claim 5, line 1 delete "4" and insert therein - - 86 - -.
5. In claim 6, line 1 delete "4" and insert therein - - 86 - -.
6. In claim 7, line 1 delete "4" and insert therein - - 86 - -.
7. In claim 13, line 1 delete "1" and insert therein - - 86 - -.
8. In claim 31, line 1 delete "1" and insert therein - - 86 - -.
9. In claim 32, line 1 delete "1" and insert therein - - 86 - -.
10. In claim 37, line 1 delete "32" and insert therein - - 36 - -.
11. In claim 75, line 1 delete "1" and insert therein - - 86 - -.
12. In claim 75, line 2 delete "1" and insert therein - - 86 - -.
13. In claim 79, line 1 delete "1" and insert therein - - 86 - -.
14. In claim 80, line 1 delete "1" and insert therein - - 86 - -.

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15. In claim 81, line 1 delete "1" and insert therein - - 86 - -.
16. Cancel claims 82-85.
17. In claim 86, line 5 delete "85" and insert therein - - 75 - -.
18. In claim 86, line 6 delete "15" and insert therein - - 25 - -.

### REASONS FOR ALLOWANCE

19. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach or suggest a unitary process of forming a magnetic assembly comprising providing a magnetic hot melt composition at an elevated temperature in an extruder wherein the hot melt composition comprises 75 wt% to about 95 wt% magnetic material and about 5 wt% to about 25 wt% thermoplastic polymer, directing applying the magnetic hot melt composition through a slot die head at an elevated temperature onto a printable substrate layer formed of paper, paper products, or paste board to form a magnetic layer having a thickness of about 50 microns to about 305 microns, and subjecting the magnetic assembly to a strong magnetic field to result in a permanent magnetic effect in the assembly.

Texier (WO 00/01776 with English Equivalent US 6,881,450) in view of the coating art as a whole as exemplified by Korpman et al. (US Patent No. 4,388,349) particularly in view of Tanuma et al. (US Patent No. 4,996,110) and/or Czaplicki et al. (US Patent No. 5,985,435) fails to teach or suggest the claimed magnetic layer thickness. Furthermore, the declaration by Mike Nelson under 37 CFR 1.132 filed 5/25/06 presents a sufficient showing of a nexus between the claimed invention and evidence of commercial success to overcome a *prima facie* rejection of the claims under 35 USC 103.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

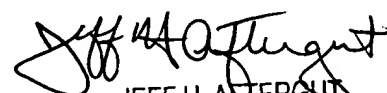
20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John L. Goff** whose telephone number is **(571) 272-1216**. The examiner can normally be reached on M-F (7:15 AM - 3:45 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



John L. Goff



JEFF H. ANTERGUT  
PRIMARY EXAMINER  
GROUP 1300